

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

D&Z AUCTION RESELLERS, LLC AND
GUSTAVO A. MORENO PONCE

Plaintiffs

V.

MEDIA DATA CORPORATION, et als

Defendants

CIVIL NO. CIVIL 19-1242(WGY)

COPYRIGHT INFRINGEMENT

DIGITAL MILLENIUM ACT

COMPUTER FRAUD AND ABUSE

**ANSWER TO THE AMENDED COMPLAINT BY FARMACIA LOS ANGELES DE
ISABELA LLC, ISLOTE DRUG, INC, FARMACIA CUQUIMAR, INC. AND CARMEN
REMIGIO KUILIAN Y PEDRO J. KUILAN MARRERO, DBA FARMACIA DORADO**

TO THE HONORABLE COURT:

COME NOW Farmacia Los Angeles de Isabela, Llc; Islote Drug, Inc; Farmacia Cuquimar, Inc.; Carmen Remigio Kuilian y Pedro J. Kuilan Marrero, DBA Farmacia Dorado, through their undersigned attorneys and very respectfully states, alleges and prays:

1. Allegations 1-3, 40-41 and 47 are allegations of law and do not require a responsive pleading. If one is needed, they are denied.

2. Allegations 4-9, 11-13, 15-24, and 31 are neither denied nor admitted for lack of information to make an allegation. If an answer is needed, they are denied.

3. As to allegation 14, as to the appearing defendants it is accepted, as to the other defendants, it is neither denied nor admitted for lack of information to make an allegation. If an answer is needed, it is denied.

4. Paragraphs 25-27, 29, 31, 32, 34, 35, 36 and 37 inasmuch as they be directed to the appearing parties, are denied.

5. Paragraphs 28 and 30 refer to a cause of action dismissed by this Court and hence does not require an answer. If one is required, they are denied.

6. Paragraph 33 is neither accepted nor denied since it has nothing to do with copyright violation. If an answer is needed, it is denied.

7. Paragraphs 42-44 are denied in their entirety. There was no access to copy plaintiffs alleged copyrighted material and none was copied.

8. Paragraphs 45 and 46 pertain to causes of action dismissed by the Court. If an answer is required, they are denied.

9. Paragraphs 10, 38-39 are missing from the Amended Complaint and hence require no answer.

AFFIRMATIVE DEFENSES

1. The Amended Complaint is time barred.
2. Laches.
3. The appearing defendants did not copy any copyright protected property of plaintiffs.
4. Plaintiffs have no copyright of any computer program.
5. Plaintiffs have suffered no damages.
6. The appearing defendants are innocent copyright infringers.
7. The Amended Complaint fails to state a claim for which a remedy may be provided.
8. Fair use.
9. Plaintiffs copyright is invalid.
10. Defendants had an implied license to copy the alleged copyrighted material.
11. Any material defendants copied was not subject to a valid copyright.
12. Abandonment.

13. Defendants acted in good faith.

14. The first sale doctrine applies.

15. Plaintiffs have unclean hands.

16. Defendants reserved the right to raise any other affirmative defense that is ascertained during discovery.

WHEREFORE, plaintiffs respectfully request from the Honorable Court that it grant leave to file the aforementioned reply.

CERTIFICATE OF SERVICE: That on this same date, a copy of this motion has been sent to all parties through the CM/ECF system.

Respectfully submitted on this 27th of January, 2021.

/s *John E. Mudd*

John E. Mudd Bar Number: 201102
LAW OFFICES JOHN E. MUDD
P. O. BOX 194134
SAN JUAN, P.R. 00919
(787) 413-1673
E-Mail jemudd@yahoo.com

/s John A. Stewart

John A. Stewart Bar Number: 231804
PO Box 140357
Arecibo, PR 00614-0357
Tel/Fax: (787) 878-0403
E-mail: stewart_j_esq@msn.com